

## Nadler Cites Shortcomings of FAA's Proposal to Regulate Hudson River Airspace

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WASHINGTON, D.C. — Today, Congressman Jerrold Nadler (D-NY), the senior member from the Northeast on the Transportation and Infrastructure Committee, called the scope of the Federal Aviation Administration's (FAA) proposed regulatory changes to address the Hudson River's dense and dangerous airspace far too narrow. At a Transportation and Infrastructure Subcommittee on Aviation hearing on "The Hudson River Airspace and Management of Uncontrolled Airspace Corridors," Nadler demanded much more comprehensive action in order to make New York's — and other dense corridors' — airspace truly safe and to prevent repetition of the tragic collision of August 8th over New York City.

Nadler called for steps to limit the number of permitted flights and reduce congestion in the Hudson River airspace, and he criticized the FAA's proposal to stratify the airspace, a move which could actually increase congestion and exacerbate noise and safety concerns. He called for mandatory — rather than voluntary — training for pilots and controllers in the Hudson River exclusion area. He also called for new technologies to track and manage aircraft, including NextGen's ADS-B component, which would track aircraft with a sophisticated satellite-based system but is not yet operational.

"I am pleased to see the FAA finally acknowledging its statutory authority to take action and regulate our dangerous airspace, but I fear that the steps being taken are simply not enough," said Nadler. "Alarming, the FAA has admitted that it has no analysis to show a safe volume of traffic in the corridor. It must limit — and should seriously considering banning — flights below 1,100 feet until there are radar systems in place to reliably track them."

The following is the text of Nadler's opening remarks at the hearing:

"Thank you Chairman Costello and Ranking Member Petri, for holding this hearing, and for allowing me to participate in today's proceedings. As you know, the Hudson River Corridor is in my district, so this is an issue that I have been working on for a very long time, and it is of great concern to me and to many New Yorkers. After many years of pleading, I am pleased to see the FAA finally take action to regulate this congested airspace, but I fear that the steps being taken are simply not enough.

"For at least 10 years, I have been demanding regulation of the helicopter industry in New York. In 1999, after receiving numerous complaints from constituents about helicopter traffic, I called on the FAA to regulate our airspace. The FAA responded that they lacked the statutory authority to do so. Subsequently, we got a study authorized to analyze the impacts of helicopter traffic, but the events of 9/11 put the topic of helicopters temporarily on hold. Over the last two years, we have redoubled our efforts to get the FAA to regulate our increasingly crowded airspace. We, in fact, met with the FAA to discuss this issue as recently as July and had a follow-up meeting scheduled for late August — one that was scheduled well before the terrible crash.

"Throughout this entire time, the FAA insisted to us that it lacked the statutory authority to regulate the airspace in the New York City corridor below 1,100 feet. Obviously, this claim was not true. I am gratified that, after the crash, the FAA reversed its position and agreed that it has statutory authority to regulate this airspace. But it is tragic — and absolutely unacceptable — that it took nine deaths to produce this belated concession.

"The mid-air collision has provided an impetus for action, but the congestion in New York's airspace is a widespread problem beyond just this one incident. I support the measures FAA has proposed to improve operating procedures for pilots in the area, but they are simply not enough. For example, the FAA will develop and make available training for pilots and controllers in the Hudson River exclusion area, but why is this training voluntary? We require training for pilots flying in the Washington, D.C. area. Why isn't the FAA mandating training for anyone who flies in

the New York area, especially given the density, sensitivity and complexity of New York's airspace?

"More importantly, why has the FAA not taken action to address the main problem of congestion? By the FAA's own estimates, there are some 600 aircraft occupying this airspace on a typical good weather day. Why doesn't the FAA limit the number of flights, at least until satellite-based technology is available to track and manage traffic? The FAA has proposed 'stratifying' the airspace with local aircraft like air tours all flying below 1,000 feet, essentially allowing the same number of flights but shrinking the space they're allowed to fly in. I have referred to the Hudson River as the Wild West because of the appearance that this heavily used and congested airspace is a free-for-all without any regulation or control whatsoever, and too much uncontrolled traffic to be able to operate safely in the corridor. Under the FAA plan, it will still be the Wild West, just in a smaller geographic area. I fear this could actually make the situation worse, and it would certainly exacerbate noise and safety concerns.

"If there is any good news in all of this, it is that there is technology out there which could allow better management of aircraft, such as the ADS-B system, a component of NextGen that is a satellite-based GPS detection system. ADS-B is not yet operational, but the FAA should give priority to congested areas, and potentially use New York as a test area. In the meantime, the FAA should seriously consider limiting, if not banning, flights below 1,100 feet until these radar systems are available to track them.

"Thank you again for holding this hearing. I look forward to hearing from the witnesses and to working with all of you to improve the safety of New York's congested airspace."